

### REMARKS

Claims 1, 2, 4-17, and 24-26 are currently pending in the subject application upon entry of the amendments. Claim 1 has been amended to better describe the invention. Support for the amendments exists in Figure 3 and its related discussion at pages 10 and 11 of the specification. Claims 24-26 have been added to further describe the invention. Claims 9 and 13 have been amended to facilitate rejoinder (amended to dependent form to inherently include all of the features of claim 1). Claims 18-23 have been cancelled without prejudice in view of the Restriction Requirement. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. The Novelty Rejection**

Claims 1, 2, and 4-8 stand rejected under 35 U.S.C. §102(b) over Bocian et al (US Patent 6,381,169). Bocian et al relates to a high density non-volatile memory device and use of such in computer systems. The Examiner notes Figure 12 in particular, where it is alleged that the voltammeter of Bocian et al corresponds to the controller of claim 1.

To establish anticipation, each and every claim feature must be disclosed in a single cited art document. Claim 1 requires a control component that applies an external stimulus to the memory cell to affect at least one of an electrical and optical property associated with the memory cell, the control component comprising a comparator that compares a value of the at least one of an electrical and optical property with a threshold value, to determine a program state of the memory cell. Bocian et al fails to disclose a control component that applies an external stimulus to the memory cell to affect at least one of an electrical and optical property associated with the memory cell, the control component comprising a comparator that compares a value of the at least one of an electrical and optical property with a threshold value, to determine a program state of the memory cell. Since Bocian et al does not disclose all of the claimed features, Bocian et al cannot anticipate claims 1, 2, and 4-8.

Claim 1 also requires a system that programs a memory cell containing a memory cell to be programmed, a control component, a ballast resistor operatively connected to the memory cell, and a registering device for monitoring circuit conditions during programming of the memory cell. Bocian et al fails to disclose a system that programs a memory cell containing a ballast resistor operatively connected to the memory cell, and a registering device for monitoring

circuit conditions during programming of the memory cell. Since Bocian et al does not disclose all of the claimed features, Bocian et al for this additional cannot anticipate claims 1, 2, and 4-8.

In view of the two significant differences described above, it is respectfully submitted that Bocian et al does not anticipate or render obvious the subject claims, and this rejection should be withdrawn.

Regarding new claim 24, it is noted that Bocian et al fails to disclose a system that programs a memory cell containing two ballast resistors for monitoring circuit conditions during programming of the memory cell. Therefore, for this additional reason, claim 24 is patentable over the cited art.

## **II. The Obviousness Rejection**

Claim 7 stands rejected under 35 U.S.C. §103 Bocian et al in view of Inomata et al. (US Patent 6,069,820). Inomata et al relates to a spin dependent conduction device. However, Inomata et al fails to make up for the deficiencies of Bocian et al described above. Accordingly, withdrawal of this rejection is respectfully requested.

## **III. Rejoinder**

During prosecution, the claims were subjected to the following restriction requirement: Group I (system claims 1, 2, and 4-8), Group II (method claims 9-12), Group III (method claims 13-17), Group IV (device claims 18-21), and Group V (system claims 22-23). Group I (system claims 1, 2, and 4-8) was elected.

MPEP 821.04 specifies that, where product and process claims are presented in the same application, and if product claims are elected in a Restriction Requirement, after a product claim is found allowable, withdrawn process claims which depend from or include all the limitations of the allowable product claim will be rejoined.

Method claims 9 and 13 have been amended so that they include all of the limitations of system claim 1. Upon allowance of claim 1, per MPEP 821.04, rejoinder of the method claims is respectfully requested.

**IV. Petition for Extension of Time**

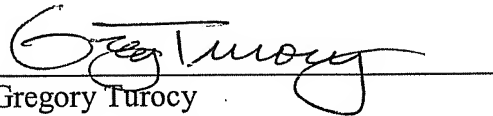
A request for a one month extension of time is hereby made. Payment is being made through the EFS electronic filing system.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SPSNP1027US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

  
Gregory Turocy  
Reg. No. 36,952

AMIN, TUROCY & CALVIN, LLP  
24<sup>TH</sup> Floor  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731